

JURY IN 'MASSES' CASE IS STILL OUT

Court Refuses to Dismiss Members Who Twice Report Failure to Agree.

8 APPARENTLY IN ACCORD

They Believe Verdict May Be Reached After Further Deliberation.

At 10:30 o'clock last night the jury in the case of the Government against the men associated with Max Eastman in the publication of the *Masse* reported to Judge Hand in the United States District Court that agreement seemed hopeless, although there was a preponderance of opinion for one side. Thereupon Morris Hillquit and Dudley Field Malone, counsel for the defendants, promptly moved that the jury be discharged.

The motion was denied by Judge Hand, who said that the jury had not reached a verdict, and that it was the duty of the jury to go back, review the evidence step by step and reach an agreement. He was unwilling to discharge the jury until much more time had been given to them.

The court said that if any juror was in doubt as to the law he would answer any questions. Hugh J. Lawler, juror No. 6, asked if a consistent line of procedure was followed that would indicate an intention to obstruct recruiting would establish a conspiracy.

"I will instruct you under the circumstances whether a conspiracy existed or not," Judge Hand replied. "A conspiracy may be determined from all the circumstances in the case."

This explanation did not clear up what had evidently been a matter of dispute in the jury room, and Juror No. 6 asked the following question: "The fact that a policy (guiding the *Masse*) was followed, the jury being convinced of that, would it necessarily follow that there was a conspiracy?"

"It would not necessarily follow," replied Judge Hand. "It is the duty of the jury to draw inferences from the circumstances."

No direct testimony or evidence had been submitted to prove that there had been a meeting of the defendants in which they had agreed on a policy of opposition to the Government. The Government's case rested on evidence such as inflammatory articles and cartoons to furnish circumstantial proof of a conspiracy.

At the request of Mr. Hillquit Judge Hand charged the jury that the circumstantial evidence must be so strong as to convince the jury of the existence of a conspiracy beyond a reasonable doubt.

The defendants passed the day in the court room on its walking the corridors of the Federal Building. With them were friends who have attended the trial from the beginning.

The case was given to the jury at 5:45 o'clock Thursday afternoon. The jury's deliberations in the thirty hours that followed were broken by a trip to the United States Supreme Court Thursday night and by meal periods.

GAS KILLS SHIPPING HEAD.

F. C. O'Rourke of Dry Dock Firm Found Dead in Home.

James Baumann, janitor of the apartment house at 304 West 146th street, reported yesterday morning that he had found the body of F. C. O'Rourke, who was a shipping head, in his home.

A leaking gas jet was found by the policeman and traced to an apartment that bore the name O'Rourke. When he broke in the door he saw an aged man on the bed, dead.

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LAST DOLLAR TO WIN

Premier Borden Says Every Able Bodied Man Will Be Conscribed.

EXEMPTIONS ABOLISHED

His Mission Here Believed to Be to Assist in Obtaining a Large Credit.

A big and wide shouldered man whose thick hair and heavy mustache, recently black, are now shot with gray, mused at the fourth floor window of the Plaza Hotel yesterday afternoon as his glance travelled over one of the new extraordinary examples of municipal art in all North America and far upon brave battalions of marching men.

He turned at a ring of the door bell and thrust forth a large and capable hand. Even as his grasp relaxed his glance turned again toward the open window, through which he had just seen the strains of "La Marseillaise." He said nothing. One asked no questions. His thoughts at that moment were soars to a king in Canada, about the wonderful war spirit which the heroism of his men and women have accomplished.

"The spirit of Canada," he said, "No words of mine can picture it, but I believe that a boy's letter breathes it."

U. S. SOLDIER SAYS FATHER IS STARVING

N. Rudinsky, Camp Upton Private, Sends Appeal to Washington.

Special Despatch to The Sun.

WASHINGTON, April 26.—Ambassador Secretary of Labor Post turned over to Secretary Daniels of the Navy Department to-day a plea from a Camp Upton soldier for help for his father, who he said was not working in Brooklyn and is starving.

The writer of the letter is N. Rudinsky, a private. The letter received at the Labor Department was as follows: "I am writing you to ask for help for my father. I am a soldier in the army. I have tried many times, but failed. Why I am asking you is because you are like a king in Canada, about the wonderful war spirit which the heroism of his men and women have accomplished."

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DEATHS CAUSED BY SINKING OF LINER AT PIER NOW ARE SET AT THREE—ROBINS COMPANY AND AMERICAN LINE ARE MAKING INQUIRY.

A dozen divers who will work by electric light, day and night, in the murky waters of the North River in the slip south of Pier 61 are expected to raise in record time the American liner St. Paul, which capsized Thursday morning in forty feet of water.

ASKS TIGERS HELP TO CLEAN UP VICE

Swann Urges District Leaders to Try the Sullivan Night Stick Method.

When Florence J. Sullivan, who never was known by any name other than Florrie Sullivan, was Tammany leader of the Eighth Assembly district along in 1902, that part of New York needed cleaning up. Florrie accomplished the work with a Sullivan night stick. He belatedly called it a Sullivan night stick. He belatedly called it a Sullivan night stick.

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7 MEN SEIZED WITH FAKE MONEY MINTS

Machines Supposed to Turn Blank Paper Into Cash Fool Victims for \$45,000.

Detectives McCoy and Whitney of the Second Branch are quite willing to add the word "believing" to the old adage that "there is no such thing as a free lunch," but they add in the same breath that they do not always insure a safe investment, nor is the testimony of the eye infallible, even in a Municipal Court. Seven arrests within twenty-four hours attest the truth of their conclusions.

It is the old story of overreaching cupidity, tricked in this instance by the aid of a venerable mechanical device—a "money-making machine." The operators of this machine—a box built to fit in an ordinary suit case—went up and down the country demonstrating for various persons who had saved money, for instance, the operators would contract to make \$2,000, counterfeit.

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FOOD REFERENDUM

Hyman Tries Experiment and Finds Majority Favors His Market Scheme.

WOMEN APPROVE BUYING

Mayor May Give the Experts Chance, to Fight Fumes From New Jersey.

Mayor Hyman introduced something entirely new into a meeting of the Board of Estimate yesterday when, after an extended debate with citizens who opposed an appropriation of \$50,000 to pay for foodstuffs that Dr. Jonathan C. Day, Markets Commissioner, already had purchased, he called upon the audience for a rising vote on the subject before putting the question to the board.

As the opposition could muster no more than eight votes the board, taking its cue from the showing voted unanimously for the appropriation.

Edward F. Doyle, who recently wrote to the Mayor expressing regret at having supported him in the campaign, said he did not object to the city authorities selling coal to the poor when an emergency existed, but he did not want the Commissioner of Markets buying supplies of Armour & Co. and selling them to private restaurants. He declared he had written evidence that butter and eggs had been sold to a Broadway restaurant.

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